

# Implementation of the Interim Measure Arrangement between Hong Kong and Mainland China

DENTONS

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The Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region (the “Interim Measure Arrangement”) was signed on 2 April 2019 and came into effect on 1 October 2019.

In the era before the Interim Measure Arrangement, except for maritime disputes, a Mainland court would not provide any assistance or grant any interim measures to parties to an arbitral proceeding in Hong Kong. As a result, parties to arbitral proceedings in Hong Kong were unable to apply for interim measures in Mainland China. There were risks that respondents would attempt to evade claims by a transfer of their Mainland assets before the commencement of arbitral proceedings in Hong Kong. The Interim Measure Arrangement rectified the loophole by enabling parties to recognised institutional arbitrations in Hong Kong to apply for interim relief in Mainland China.

One year has elapsed since the Interim Measure Arrangement came into effect and it is an appropriate time to review the implementation of the Interim Measure Arrangement. This article will (1) examine the recent statistics and successful cases, (2) explore how readily, in practice, a Mainland court would grant the preservation order, (3) discuss the latest developments amid the COVID-19 pandemic and (4) suggest some practical tips on applications for interim measures in Mainland courts during the COVID-19 pandemic.

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